

REMARKS

Claims 1-3 and 5-21 are pending in the present application. Claim 4 was previously cancelled. The pending claims have been rejected based on new grounds in the Non-Final Office Action dated January 13, 2006 (OA). None of the claims are amended in this response.

35 USC 103 Rejections

Claims 1, 3, 5-13, and 15-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins et al. (U.S. Patent 6,424,828, hereinafter "Collins"), in view of Cannon et al. (U.S. Publication 2002/0016736, hereinafter "Cannon"). With regard to the independent claim limitations, the OA cites a portion of Collins that states "a divider divides the [web page] content into a plurality of portions less than a maximum allowable message length. The e-mail generator generates a plurality of messages, each message including one of the portions of the content and including the e-mail address of the cellular telephone in the recipient address field. The plurality of messages are sent by the e-mail dispatcher to the cellular telephone." (Collins, col. 3, lines 46-54.) The OA admits that Collins does not disclose or suggest the limitation of independent Claims 1 and 12 that requires inserting a link in one of the chunks comprising a link to another of the chunks. Instead, the OA relies on Cannon. Specifically, the OA asserts that "Cannon is directed to a method of determining suitable breaks for inserting content that comprises inserting a link in one of the chunks (segments) comprising a link to another of the chunks (segments)." (OA, pgs. 2-3.) Without identifying any specific language, the OA simply cites a range of paragraphs that cover almost 3 pages of Cannon in an attempt to support this single limitation. However, Applicants respectfully disagree that Cannon discloses or suggests the limitation and disagree that one of ordinary skill in the art would combine Cannon with Collins.

Cannon is directed to "controlling delivery of advertisements to consumers and for determining when to insert advertisements between requested content." (Cannon, pg. 1, para. 2.) More specifically, Cannon is directed to inserting advertisements between independent content and is not related to inserting a link in one chunk of a web page to another chunk of that web page.

Throughout the summary section, Cannon reiterates this point. For example, Cannon states the following three aspects of the Cannon invention:

It is determined that *the second request is independent of the first content*. Finally, the insertion of supplemental content is facilitated, between the first content and the second content. (Emphasis added, Cannon, pg. 2, para. 22.)

The memory also comprises instructions for determining that *the second request did not originate from the first content*, and instructions for facilitating the insertion of supplemental content between the first content and the second content. (Emphasis added, Cannon, pg. 2, para. 23.)

The computer program mechanism comprises instructions for intercepting a first request from a user for first content and instructions for capturing a second request from the user for second content. The computer program mechanism also comprises instructions for determining that *the second request did not originate from the first content* and instructions for facilitating the insertion of supplemental content between the first content and the second content. (Emphasis added, Cannon, pgs. 2-3, para. 24.)

Thus, Cannon expressly states that it does not use a link within one chunk of a web page to access another chunk. The above summary statements are consistent with the three pages of Cannon cited by the OA, and with all other portions of Cannon. Consequently, Cannon does not disclose or suggest the required claim limitation of inserting a link in one of the chunks comprising a link to another of the chunks. In fact, Cannon teaches away from this limitation. Further, one of ordinary skill in the art would also not be motivated to select Cannon to combine with Collins, since Collins is directed to dividing a single content into limited portions for delivery to a cellular phone.

Accordingly, the rejection of independent Claims 1 and 12 under 35 USC 103(a) should be withdrawn. Additionally, dependent Claims 3, 5-11, 13, and 15-21 are neither anticipated nor obvious for at least the same reasons as respective independent Claims 1 and 12, upon which they depend. Accordingly, the rejection of dependent Claims 3, 5-11, 13, and 15-21 should also be withdrawn.

Dependent Claims 2 and 14 are also rejected over Collins and Cannon, with the additional unsupported assertion that it would have been obvious “to use a non-sequential order in order to provide another advantages to the communications means such as classification and/or prioritizing packets, which are in non-sequential order.” Applicants respectfully traverse the rejections. Collins teaches sending email messages and web pages to a cellular phone as a series of messages, such as SMS messages, which are generally only about 160 characters long (See Collins, col. 4, lines 33-34.). Such messages would make the overall email message or web page unreadable and/or illogical if the small messages were sent in non-sequential order. In any case, dependent Claims 2 and 14 are patentable for at least the same reasons as their corresponding independent Claims 1 and 12, respectively. Accordingly, the rejection of dependent Claims 1 and 12 should also be withdrawn.

The OA also indicates that paragraphs 39 et seq. of Levy et al. (U.S. Publication 2002/003384, hereinafter “Levy”) and paragraph 114 of Jilk, Jr. et al. (U.S. Publication 2002/0010746, hereinafter “Jilk”) “contain limitations that are relevant to the claimed invention.” Without identifying any relationship to claim language, the OA requests Applicants to consider these references upon responding to the OA. Applicants have reviewed Levy and Jilk, and do not find that Levy or Jilk anticipate or render obvious, any of Applicants’ claims.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Dated: May 11, 2006

Respectfully submitted,

By Thomas R. Marquis
 Thomas R. Marquis
 Registration No.: 46,900
 DARBY & DARBY P.C.
 P.O. Box 5257
 New York, New York 10150-5257
 (206) 262-8900 • (212) 527-2201 (fax)
 Attorneys/Agents For Applicant